

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**CHARLES JAMES ATCITY,**

**Plaintiff,**

**v.**

**No. 1:20-cv-00515-DHU-DLM**

**THE UNITED STATES OF AMERICA,**

**Defendant.**

**NOTICE OF COMPLETION OF DEFENDANT'S MOTION TO DISMISS  
OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT**

Defendant United States of America hereby gives notice pursuant to D.N.M.LR-Civ. 7.4(e), that briefing of Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction or in the Alternative Motion for Summary Judgment is fully briefed and ready for the Court's consideration. Briefing consists of the following:

1. Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction or in the Alternative Motion for Summary Judgment (Doc. 62, filed 9/8/23);
2. Defendant's Notice of Filing Excess Exhibits to Motion to Dismiss for Lack of Subject Matter Jurisdiction or in the Alternative Motion for Summary Judgment (Doc. 70, filed 12/4/23);
3. Plaintiff's Response (Doc. 72, filed 12/8/23);
4. Defendant's Notice of Erratum (Doc. 77, filed 2/2/24);
5. Defendant's Reply (Doc. 78, filed 2/2/24).

Respectfully submitted,

ALEXANDER M.M. UBALLEZ  
United States Attorney

/s/ Roberto D. Ortega 4/19/24  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 19, 2024, I filed the foregoing pleading electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Roberto D. Ortega 4/19/2024  
ROBERTO D. ORTEGA  
Assistant United States Attorney